

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
RODNEY HATFIELD,
Defendant.

Case No. [5:09-cr-01195 EJD](#)

**ORDER DENYING DEFENDANT'S
MOTION TO AMEND**


Re: Dkt. No. 206

On November 13, 2014, Defendant Rodney Hatfield ("Defendant") filed a document entitled "Motion to Amend the way this sentence is being carried out, not shortening time, but giving Half-Way House as Congress' intent in The Prisoner Reentry Act and The Second Chance Act of 2007." See Docket Item No. 206. The relief requested by Defendant is properly characterized as a challenge to the execution of his sentence, which should be raised through a petition under 28 U.S.C. § 2241 and must be brought in the district court where Defendant is confined. See United States v. Giddings, 740 F.2d 770, 772 (9th Cir. 1984) ("Review of the execution of a sentence may be had through petition for a writ of habeas corpus under 28 U.S.C. § 2241."); Muth v. Fondren, 676 F.3d 815, 818 (9th Cir. 2012) ("§ 2241 petitions must be filed in the district where the petitioner is confined . . ."). Since the motion reveals that Defendant is not presently incarcerated in the Northern District of California, this court lacks jurisdiction over Defendant's request.

Accordingly, Defendant's motion is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: December 2, 2014



EDWARD J. DAVILA
United States District Judge